

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #12	CCRB Case #: 202003737	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/29/2020 9:00 PM	Location of Incident: North East corner of Dekalb Avenue and Classon Avenue	Precinct: 88	18 Mo. SOL 11/29/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 05/30/2020 2:09 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 05/30/2020 2:09 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Stanley Ng	04496	949392	C R C
3. DTS Gregory Garraputa	7156	930201	C R C
4. POM Daniel Loor	17096	957780	PSA 2
5. POM Thomas Sweeney	22284	955551	C R C
6. An officer			
7. POM Daniel Chin	16062	948524	C R C

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Chad Phillips	26095	937287	C R C
2. SGT Efrain Perez	00329	937268	C R C
3. POM Edwin Diaz	02219	934766	C R C
4. POM Javier Solis	22730	953425	C R C
5. POM Edwin Garcia	22458	950466	C R C
6. POM Ronnie Diaz	14483	948885	C R C
7. POM David Ramirez	01089	942401	C R C
8. POM Matthew Lambert	14548	956820	088 PCT
9. POF Nataly Gonzalez	18028	960605	088 PCT
10. POM Arnaud Polynice	11414	957047	088 PCT
11. SGT Wilson Gonzalez	04558	944604	PSA 2
12. POM Mahmudul Huq	12496	960693	088 PCT
13. POM Bervens Hyppolite	31502	952875	PSA 2
14. POF Yanaris Mark	18196	958875	PSA 2
15. POM Leon Pedigo	18445	944883	PSA 2
16. POM Jonathan Desson	16233	957535	PSA 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
17. POF Yanrong Yang	30197	965627	079 PCT
18. POM Javier Ramirez	07161	959111	079 PCT
19. POM Connor Lichte	04856	951919	C R C
20. SGT Michael Santoro	04522	949621	C R C

Officer(s)	Allegation	Investigator Recommendation
A.DTS Gregory Garraputa	Force: Detective Gregory Garraputa struck § 87(2)(b) with a blunt instrument.	
B.POM Stanley Ng	Force: Police Officer Stanley Ng struck § 87(2)(b) with a blunt instrument.	
C.POM Stanley Ng	Force: Police Officer Stanley Ng struck individuals with a blunt instrument.	
D.POM Stanley Ng	Force: Police Officer Stanley Ng used physical force against individuals.	
E.POM Thomas Sweeney	Force: Police Officer Thomas Sweeney struck an individual with a baton.	
F.POM Daniel Chin	Force: Police Officer Daniel Chin used physical force against § 87(2)(b)	
G.POM Stanley Ng	Force: Police Officer Stanley Ng struck § 87(2)(b) with an asp.	
H.POM Daniel Loor	Force: Police Officer Daniel Loor struck an individual with a baton.	
I.DTS Gregory Garraputa	Discourtesy: An officer spoke discourteously to individuals.	
J. Officers	Force: Officers used physical force against individuals.	
K. Officers	Force: Officers used physical force against § 87(2)(b)	
L. An officer	Force: An officer struck § 87(2)(b) with a nightstick.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On May 30, 2020, § 87(2)(b) filed this complaint with the CCRB online.

On May 29, 2020, at approximately 9:00 p.m., there was a police brutality protest containing several hundred protesters that marched through the intersection of Dekalb Avenue and Classon Avenue in Brooklyn. The 88th Precinct stationhouse is located on the southwest corner of this intersection. § 87(2)(b) and § 87(2)(b) stood in a group of civilians located at the northeast corner of the intersection. Officers moved civilians away from the stationhouse. Det. Gregory Garraputa and PO Stanley Ng of CRC pushed § 87(2)(b)'s bicycle into his legs (**Allegations A: Force, § 87(2)(g)**) (**Allegation B: Force, § 87(2)(g)**). PO Ng then began pushing at civilians with his baton (**Allegation C: Force, § 87(2)(g)**). Sgt. Santoro and instructed officers to move civilians from the street, PO Ng pushed civilians with his baton (**Allegations D: Force, § 87(2)(g)**). PO Sweeney struck an individual with a baton (**Allegation E: Force, § 87(2)(g)**). PO Daniel Chin used physical force against § 87(2)(b) (**Allegation F: Force, § 87(2)(g)**). PO Ng struck § 87(2)(b) with an asp (**Allegation G: Force, § 87(2)(g)**). PO Daniel Loor struck an individual with a baton (**Allegation H: Force, § 87(2)(g)**). Det. Garraputa told the crowd of protesters, “Get off the fuckin’ block” (**Allegation I: Discourtesy, § 87(2)(g)**). Unidentified officers used force against unidentified individuals and against § 87(2)(b) (**Allegation J: Force, § 87(2)(g)**) (**Allegation K: Force, § 87(2)(g)**). An officer struck § 87(2)(b) with a nightstick (**Allegation L: Force, § 87(2)(g)**).

§ 87(4-b), § 87(2)(g)

Video footage from civilians (BR01, BR34, summarized BR76, 77), the 88th Precinct stationhouse (BR69-72, summarized BR56-59); and BWC from numerous officers (BR07-BR27, summarized BR35-BR55) was received and reviewed by the investigation.

Findings and Recommendations

Allegation (A) Force: Detective Gregory Garraputa struck § 87(2)(b) with a blunt instrument.

Allegation (B) Force: Police Officer Stanley Ng struck § 87(2)(b) with a blunt instrument.

The investigation determined that on the date of the incident, a protest involving numerous civilians occurred starting at approximately 8:45 p.m. at the intersection of Dekalb Avenue and Classon Avenue. The 88th Precinct stationhouse is located on the southwestern corner of this intersection.

NYPD radio communications located in BR81 and summarized in BR83 state the following:

- At 00m00s – “Need multiple units at 88 Precinct for 85 [Request for assistance].”
- 09m57s – “88 CO reports 1 under.”
- 10m10s – “Additional 85 called for 88 Stationhouse”
- 13m35s – “Watch out for airmail - airmail coming off roof”
- 16m43s – “Shots fired - attempt to ascertain if real report - no location reported”
- 18m20s – “Calls over shots fire at Dekalb and Fulton”
- 23m43s – “Level 1 called - subsequently clarified - Level 2 mobilization called at Fort Greene Park, 85 called at 88 Precinct stationhouse, shots fired call in error.”

From the NYPD radio communications, the investigation concludes that the situation at the incident location involved 10-85 calls for officer assistance, with officers reporting “airmail,” meaning that items were being thrown at officers from rooftops, and at least one report of a shot fired in the vicinity.

§ 87(2)(b) testified that he and his girlfriend, § 87(2)(b) rode bicycles to a protest occurring outside the 88th Precinct stationhouse, located at the intersection of Dekalb Avenue and Classon Avenue. § 87(2)(b) and § 87(2)(b) arrived and joined a group of civilians standing at the north-eastern corner of the intersection, near a row of shops extending east on Dekalb Avenue, which runs east-west. § 87(2)(b) did not state what he and the other protesters were doing at the location. Numerous police officers and civilians were in the vicinity, including a large crowd west of the intersection of Dekalb Avenue. As § 87(2)(b) and § 87(2)(b) stood toward the front of the group of civilians, officers began to advance north on Classon Avenue and east on Dekalb Avenue. As the officers advanced east on Dekalb, PO Ng and Det. Garraputa – who § 87(2)(b) identified via their nameplates – began to push on § 87(2)(b)'s bicycle. When the officers pushed on the bicycle, § 87(2)(b) held the bicycle in front of his body, and attempted to move back. PO Ng and Det. Garraputa held § 87(2)(b)'s bicycle and repeatedly pushed the bicycle, which came into contact with § 87(2)(b)'s shins. § 87(2)(b) became partially wedged against a police vehicle that was parked on Classon Avenue, with his back was against the rear right corner of the vehicle. His bicycle became entangled with § 87(2)(b)'s bicycle. § 87(2)(b) informed the officers that his bicycle was stuck on § 87(2)(b)'s bicycle, and his back was against a police vehicle, so he could not move backwards (BR65).

§ 87(2)(b) was identified as a witness to this incident by § 87(2)(b) § 87(2)(b) who was present in the same group of civilians as § 87(2)(b) and § 87(2)(b) did not observe PO Ng or Det. Garraputa push bicycles into any civilians (BR66).

§ 87(2)(b) was identified as a witness to this incident. He testified to observing police officers' actions in general on the night of this incident but was not able to be specific regarding what he observed (BR89).

The investigation obtained video evidence provided to the CCRB in connection with CCRB 202003731. This video evidence, which is 34 seconds long with no timestamp, was provided by § 87(2)(b) (BR34). The footage was taken from the northeast corner of Dekalb Avenue and Classon Avenue; the 88th Precinct stationhouse is depicted in the background. There does not appear to be any barricade around the stationhouse. There are at least one dozen civilians depicted standing on the street corner, with a line of officers in front of the civilians. Beyond the officers are several officers walking in the roadway. The video depicts several officers pushing members of the crowd, and an officer punching a civilian. One officer is depicted raising a baton over his head; the officer does not use the baton to strike anyone. This video is 34 seconds long. In the first ten seconds of the video, PO Ng [who, in his testimony to the CCRB identified himself in this footage] can be seen pushing with a baton in both hands held horizontally along his body, causing the baton to come into physical contact with civilians. The specific actions the civilians he is pushing are taking cannot be determined from the video. At 00m16s and 00m19s in the recording, PO Ng is shown making physical contact with a bicycle, but there is no footage depicting him pushing the bicycle into a civilian. This video does not depict PO Ng swinging his baton in a downward manner. The video footage shows that at approximately 0m44s in the recording, the officers withdraw after moving the civilians only a few feet from their original position.

Video footage from civilians (BR01, BR34, summarized BR76, 77), the 88th Precinct stationhouse (BR69-72, summarized BR56-59), and BWC footage (BR07-BR27, summarized BR35-BR55), did not capture these specific allegations occurring.

Sgt. Santoro provided testimony to the CCRB (BR64). Sgt. Santoro was present at the overall incident location but did not recall exactly he was within the general vicinity. Sgt. Santoro had a body-worn camera on the date of incident but did not generate footage for this portion of the incident. Sgt. Santoro did not recall if he himself gave any commands to officers around him. While conducting routine patrol, Sgt. Santoro received notification of a protest at the corner of the 88th Precinct at Dekalb Avenue and Classon Avenue. The radio reports he received informed him that a large number of people were moving towards the precinct, that police vehicles were being set on fire, and that debris was being thrown at vehicles and police officers. As he approached the 88th Precinct, Sgt. Santoro observed a large number of people moving towards the precinct, with people yelling and screaming. Sgt. Santoro observed civilians marching towards the corner of the precinct; he could not recall what other actions the civilians took. The civilians massed in the street and tried to move towards the precinct, but a large police presence kept them from approaching the stationhouse. Sgt. Santoro received commands from an unidentified officer directing them to move civilians off of the block to get them away from the stationhouse. Sgt. Santoro and others accomplished this by using verbal commands and presenting a police presence. Sgt. Santoro did not recall if, as they did so, he observed civilians with bicycles or if he saw other officers interacting with civilians with bicycles. He did not recall if any officer used hand strikes or took a civilian's bike and shoved it into the civilian's torso or legs. Sgt. Santoro was shown civilian video from BR34 but reviewing this video did not cause him to independently recollect any additional information about the incident.

In PO Ng's statement to the CCRB (BR29), he stated that he was ordered to deploy to the 88th precinct stationhouse because there were concerns that protesters would storm the stationhouse that night. Upon arriving in the vicinity of the incident location he observed hundreds of civilians who were shouting at officers. Groups of officers deployed in close lines to prevent civilians from moving forward. PO Ng did not observe civilians engage in property-damaging activities or throwing objects at officers while he was on scene, though he had heard from the radio that this was occurring elsewhere. A supervisor he could not identify and whose rank he did not know told PO Ng to join a line. PO Ng joined a group of officers who formed a line near a group of approximately 100 protesters standing on a sidewalk. PO Ng held his asp with two hands extended in front of him. A supervisor, PO Ng was not able to say who the supervisor was, or what their rank was, instructed the officers in the line to push the civilians up the block. The supervisor did not elaborate on these instructions, did not specify why civilians needed to be moved, or where specifically the civilians needed to be moved to. The civilians were not throwing objects or shoving officers. At least two or three civilians with bicycles held their bicycles in front of their bodies to prevent officers from moving them down the block. The civilians did not comply with the orders to move back. Civilians told officers that they would not move; PO Ng did not know how many civilians made these statements. After one to two minutes of giving instructions, PO Ng and other officers began to push the civilians – who were standing on the sidewalk – down the street by issuing instructions and coming into physical contact with them. This interaction took place on the sidewalk. PO Ng did not specifically recall any of the civilians he interacted with during the incident. PO Ng did not recall interacting with the § 87(2)(b) despite being provided a physical description of § 87(2)(b). PO Ng did not recall any officer grabbing a civilian's bicycle or that any officer shoved a bicycle into a civilian's shins, nor did he recall taking this action himself.

Det. Garraputa testified that prior to deploying to the incident location, he and his unit received multiple calls for assistance, including the more serious "10-13" requests for assistance which were

made when an officer believes their safety or life is in danger. Det. Garraputa learned over the radio that civilians were setting fire and attempting to set fire to police vehicles. Det. Garraputa and other members of his team deployed to the location. Det. Garraputa stated before he arrived that he had a sense of fear, due to the calls for assistance. When they arrived, Det. Garraputa observed hundreds of civilians in the immediate vicinity of the 88th Precinct stationhouse. After parking the vehicle, Det. Garraputa and his team walked to areas around the 88th Precinct where police were deployed in groups. Det. Garraputa stated that when they were deployed to reinforce the police line, he observed numerous officers in white shirts, who he described as executives, scattered throughout the area. Det. Garraputa recalled there were many civilians with bicycles. He did not recall how many civilians he saw on or in possession of bicycles. He did not recall any specific civilian he saw with a bicycle. He did not grab any civilians bicycle and drive into the civilian's legs. Det. Garraputa's recollection of interactions with civilians with bicycles was not refreshed after reviewing video from PO Solis on scene (BR30).

§ 87(2)(g)

Allegation (C) Force: Police Officer Stanley Ng struck individuals with a blunt instrument.

was going on to his side at the time. § 87(2)(b) did not see what happened to the individual that he believed PO Ng struck with the asp (BR65).

§ 87(2)(b) testified that officers, including an officer identified by the investigation as PO Ng, instructed civilians to move back and off the street. Seconds after the officers issued their orders, approximately seven to eight officers pushing civilians at the front of the group. PO Ng pushed the civilians east on Dekalb Avenue, on the northern sidewalk. PO Ng pushed using his hands and with his batons extended held in both hands. (BR66).

§ 87(2)(b) did not provide a description of the alleged victim. Checks of CTS for duplicate complaints did not yield duplicate complaints with additional identifying or contact information for the victim of this allegation. Video evidence did not yield additional contact info that might have allowed the investigation to identify the alleged victims.

§ 87(2)(b) provided a statement to the CCRB in which he stated that he did not specifically recall observing any specific instances of police using force directed towards civilians in the context of this protest (BR89).

§ 87(2)(b) explicitly testified that he observed an officer swing a baton directed at a civilian, § 87(2)(b) and § 87(2)(b) did not testify to this.

Video evidence provided by § 87(2)(b) (BR34) depicts officers pushing into a crowd. This video is 34 seconds long. In the first ten seconds of the video, PO Ng can be seen pushing with a baton in both hands held horizontally along his body, causing the baton to come into physical contact with civilians. The specific actions the civilians he is pushing are taking cannot be determined from the video. This video does not depict PO Ng swinging his baton in a downward manner.

Video evidence provided by § 87(2)(b) (BR01) does not capture this specific portion of the incident as it began recording after this portion of the incident took place.

PO Ng stated that the civilians were on the sidewalk, not the street. PO Ng extended his asp multiple times in the pushing motion. His asp made contact with multiple civilians. PO Ng did not know how many civilians he pushed using his asp. PO Ng did not specifically recall any of the civilians he interacted with during the incident. Prior to May 29, 2020, PO Ng received training in crowd control tactics. He did not recall when he received this training, but stated it occurred at the Police Academy. PO Ng received specific training in using asps, batons, and other police equipment in crowd control. PO Ng was trained to hold the asp extended, with one hand on each end of the asp, clenched. The asp would then be extended from the body, creating space between the officer and the individual the officer was engaging (BR29).

Det. Garraputa, PO Chin, PO Loor, testified that at the location, there were large crowds that physically resisted officers' instructions and commands (BR28, 30, 32, 64). Det. Garraputa and PO Loor did not testify to whether he received any orders on scene to engage specific groups of civilians (BR28, BR30). PO Chin recalled someone told him to stand on a corner but did not recall which cardinal marker of the intersection he went to. PO Chin and other officers moved to the corner they were ordered to go to. Officers waited at this corner for approximately two minutes. Other than Sgt. Santoro, PO Chin was not aware of superior officers in the area. After two to three minutes of standing in front of wherever PO Chin went, Sgt. Santoro issued the order to move the civilians in front of them up the block. PO Chin was not aware of any other higher-ranked officers who gave this order at this time (BR32).

Sgt. Santoro stated that he did not recall if he issued any orders or instructions to officers under his command on scene. Sgt. Santoro acknowledged being present in the group of officers who were deployed to the specific incident location (BR64).

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Force: Police Officer Stanley Ng used physical force against individuals.

As discussed in Allegations A-B, video footage recorded by a civilian documents Officer Ng pushing an unidentified civilian.

As discussed in Allegations A-C, PO Ng provided a statement to the CCRB in which he stated that he was deployed to the 88th Precinct stationhouse due to a concern that protesters intended to storm the stationhouse. At the incident location, PO Ng observed protesters shouting at officers, but he did not see any protesters engage in property-damaging activities or throw objects at officers, though he heard that this was occurring elsewhere. PO Ng joined a group of officers who formed a line near a group of approximately 100 protesters. PO Ng stated that he held his asp with two hands extended in front of him. A supervisor that PO Ng could not identify, directed officers to push civilians up the block. The supervisor did not specify why the protesters needed to be moved or where they should be moved to. The protesters did not comply with officers' orders to move and verbally refused to leave; at least two protesters held their bicycles in front of their bodies to prevent officers from moving them. PO Ng and other officers began to push civilians down the street. PO Ng stated that he pushed civilians with his baton based upon his understanding of the supervisor's instructions. PO Ng extended his asp multiple times using a pushing motion. His asp made contact with multiple protesters; he did not know how many protesters he pushed. As PO Ng pushed the civilians with his asp, civilians continued to refuse orders to move back. It took approximately three minutes to push civilians down the block, and the engagement ended after the protesters moved.

§ 87(2)(b) and § 87(2)(b) testified that they observed officers pushing civilians other than themselves on the sidewalk. Both stated that civilians, other than chanting slogans and standing in place, were not doing anything physically towards officers, throwing objects, or initiating physical contact with officers (BR65,66).

In his statement to the CCRB, Sgt. Santoro stated that he did not recall if he issued instructions to officers on scene (BR64).

As stated above regarding Allegations A-C, officers also testified that the civilians directly in front of them on the northeast corner of Dekalb Avenue and Classon Avenue were not throwing objects at officers, damaging property, or engaging in any notable behavior aside from shouting at officers.

NYPD Patrol Guide Section 221-01 (BR94) states that officers may use force “when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody pr to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances.” The procedure also notes that “When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force.”

§ 87(2)(g)

[REDACTED]

Allegation (E) Force: Police Officer Thomas Sweeney struck an individual with a baton.

§ 87(2)(b) observed an officer the investigation identified as PO Sweeney swing his baton in a downward motion, from shoulder height directly downwards, three times, at an unidentified individual or individuals. § 87(2)(b) was not able to say what these civilians were doing prior to the strikes. After observing the first strike, he began to record using the phone in his hand. He was several rows back from the front. The first strike, PO Sweeney raised his baton above his head, held in his right hand, and swing it in a downward motion. § 87(2)(b) believed this strike came into contact with an unidentified individual’s shoulder. As PO Sweeney swung the baton, the people at the front of the crowd, in his vicinity, were attempting to move backwards. Some of these civilians had their arms up, § 87(2)(b) stated it appeared as though the people were attempting to protect themselves with their arms. § 87(2)(b) did not see any civilian push back at police officers. § 87(2)(b) described the officer who did the strikes as stocky and 6’1”-6’2”, 28-35 years old with or olive skin (BR65).

Video provided to the investigation by § 87(2)(b) (BR34) depicts PO Sweeney, wearing a helmet bringing his baton down towards civilians at 00m22s. This officer roughly matches the positioning and race of the officer described by § 87(2)(b) specifically, the physical

position (the officer is standing behind another officer) and actions (delivering the strikes § 87(2)(b) described. The video does not clearly capture the baton coming into physical contact with any civilians specifically. The video also depicts § 87(2)(b) pull a bicycle back and forth with PO Chin. The strike PO Sweeney directs does not appear to be directed at § 87(2)(b). The video does not depict any other officers wearing helmets on the street corner.

§ 87(2)(b) did not specifically recall observing any specific physical interactions at this location on the night of the incident (BR89).

In his statement to the CCRB (BR31), PO Sweeney affirmed that he was wearing a helmet on the date of incident. PO Sweeney, both before and after being shown video provided by § 87(2)(b) in BR34, in the course of his interview, denied being present for the events alleged and depicted in video. PO Sweeney and other officers were told to form a line at the intersection of Dekalb Avenue and Classon Avenue. He and other officers formed a line and were told to inform civilians that they were not to go past the line. PO Sweeney estimated approximately ten civilians were on the corner where he and other officers deployed. The civilians were not doing or saying anything to officers when PO Sweeney was on scene. PO Sweeney did not recall other supervisors in the vicinity when he and other officers deployed to the corner. On scene, PO Sweeney did not see civilians push at officers, or physically engage officers at all. PO Sweeney did not observe civilians throwing objects at officers while on scene (BR31).

The investigation concludes that PO Sweeney was present at the location due to BR78, which, per a review of CRC roll call (BR79) shows that PO Sweeney was assigned to “Stryker 2,” which also included several officers that were deployed to the incident location per the BWC list. PO Sweeney’s memo book states that he was post changed at 8:25 p.m. on the night of the incident, it does not specify where PO Sweeney was deployed. PO Sweeney’s pedigree sheet lists him as 5’10” and 145, however, wearing body armor, standing behind another officer, wearing a helmet, this may be difficult to determine.

Because video provided to the investigation was consistent with testimony from § 87(2)(b) regarding the actions taken by officers standing behind other officers, the investigation concludes that PO Sweeney was present at the incident location and attempted to strike civilians with his baton using downward strikes.

As noted above, Patrol Guide 221-01 governs police use of force (BR05).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (F) Force: Police Officer Daniel Chin used physical force against § 87(2)(b)

Video evidence from § 87(2)(b) (BR34), PO Chin using force against § 87(2)(b). Starting at 0m12s in the recording, PO Chin, who is wearing a baseball cap, is depicted engaging with § 87(2)(b). At 0m14s, PO Chin's hands are positioned in a manner that would be consistent with making contact with the bicycle carried by § 87(2)(b). PO Chin is then seen grasping § 87(2)(b) by the back of the neck and pushing § 87(2)(b) towards the ground. Due to the camera angle, the position of § 87(2)(b)'s hands on the bicycle are obstructed.

§ 87(2)(b) testified that after he stopped pushing his bicycle with PO Ng and Det. Garraputa, a male officer § 87(2)(b) did not recall pulled his bicycle away from him. § 87(2)(b) and the group of people continued to move eastwards on Dekalb Avenue. § 87(2)(b) did not testify to this specific interaction (BR65).

PO Chin provided testimony to the CCRB (BR32). PO Chin stated that a male, identified by the investigation as § 87(2)(b) stood in front of PO Chin and held his bicycle in front of him. PO Chin saw other civilians with bicycles nearby. PO Chin pushed § 87(2)(b) on his chest. § 87(2)(b) lifted his bicycle up with two hands and pushed PO Chin with his bicycle, the bicycle made contact with PO Chin. PO Chin did not recall where on his body the civilian struck him. PO Chin grabbed the civilian's bicycle and pushed it back at the civilian. PO Chin and the civilian pushed the bicycle back and forth at each other approximately four or five times. To PO Chin's memory, other officers did not assist him in this process. PO Chin did not recall if he had a baton in his hands during this engagement. As PO Chin struggled with § 87(2)(b) he was moving § 87(2)(b) backwards. This represented the entirety of PO Chin's initial recollection of his physical engagement with § 87(2)(b). PO Chin was shown the civilian-provided video footage during his CCRB interview. PO Chin recognized himself in the footage, but stated that the events depicted in the video were not consistent with his recollection of events. PO Chin did not dispute the events depicted in the footage, but stated that he did not independently recall why he took the actions depicted in the footage. After the struggle, PO Chin realized he had been injured. PO Chin had pain in his elbow, and lacerations to his right hand and left elbow; he did not, however, specify how he sustained these lacerations.

Based upon BWC footage and PO Chin's testimony, the investigation can conclude that PO Chin pushed § 87(2)(b) and that PO Chin pushed the bicycle that § 87(2)(b) was holding towards § 87(2)(b). The investigation cannot definitively conclude if the bicycle actually struck § 87(2)(b) or PO Chin's body.

As noted above, Patrol Guide 221-01 governs police use of force (BR05).

§ 87(2)(g)

§ 87(2)(g)

Allegation (G) Force: Police Officer Stanley Ng struck § 87(2)(b) with an asp.

In the video provided to the investigation by § 87(2)(b) (BR01), footage at approximately 0m03s depicts PO Ng swing his asp towards a protester. The footage does not capture the baton making contact with the body of any civilian. The specific actions § 87(2)(b) is doing are not clearly captured on video. At the time that PO Ng swings the baton, PO Chin is depicted making physical contact with § 87(2)(b) and lifting him from the ground. At 0m04s, PO Chin's right arm is visible behind PO Ng's left hand and does not appear to be impeded.

In the video provided by § 87(2)(b) (BR34), at approximately 0m21s in the recording, PO Ng appears to swing his asp towards someone.

In his statement to the CCRB, § 87(2)(b) stated that PO Ng was one to two feet away, directly in front of him. PO Ng, with his retractable metal baton in his hand, swung his extended baton towards § 87(2)(b) who raised his arms in front of his face to protect himself. PO Ng brought his baton downward and struck § 87(2)(b) on the interior side of his right forearm, approximately two inches from the inside of § 87(2)(b)'s right elbow. As officers moved forward, other than moving his body backwards and raising his arms, § 87(2)(b) stated he was not doing anything else physically at the time PO Ng struck him with the asp. § 87(2)(b) suffered a bruise to his right interior forearm, as well as an abrasion. § 87(2)(b) did not recall PO Ng saying anything as he swung the asp. § 87(2)(b) is a 6'2" tall male (BR65).

In his testimony to the CCRB, which is summarized largely in the discussion of Allegation F, PO Chin did not report that any civilian held his arm.

§ 87(2)(b) provided the investigation with photographs of bruises that he sustained on the interior of his right forearm (BR02).

§ 87(2)(b) did not testify that PO Ng used a baton during this incident (BR66).

In his testimony to the CCRB, PO Ng did not recall using his asp in any way other than pushing with it with each hand on one end of the asp. PO Ng did not recall using his asp to strike any civilian aside from the manner referenced in allegations A and B. After being shown video from BR07, PO Ng recognized himself in the video at 00:04, he identified himself as the officer in the middle. PO Ng's right arm appeared to be moving, PO Ng stated he believed his asp was in his right hand. PO Ng stated he was swinging his asp at this point in an x-pattern. He did this because a civilian had grabbed PO Chin's arm and also held his bicycle in front of his body, which prevented PO Ng from being able to push the civilian with his baton in the standard way. This combination of factors led PO Ng to swing his baton at the civilian. PO Ng swung his asp at the civilian's arm or shoulder to cause the civilian to let PO Chin's arm go. PO Ng did not know if his asp made contact with the civilian (BR31).

As stated above, Patrol Guide 221-01 governs police use of force (BR05).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (H) Force: Police Officer Daniel Loor struck an individual with a baton.

§ 87(2)(b) moving backwards, observed PO Loor bring his wooden, t-handled baton over his shoulder and bring it down onto the body of an unidentified individual. § 87(2)(b) did not recall where specifically on that individual's body PO Loor struck using his baton. § 87(2)(b)'s view of the individual that PO Loor struck with the baton was partially obstructed by a person who stood between § 87(2)(b) and the individual. The individual had their arms in front of their face and body and was crouching down. § 87(2)(b) recalled observing PO Loor use one strike at this time (BR65).

§ 87(2)(b) did not provide testimony regarding this particular use of force (BR66).

When PO Loor joined the line of the officers, he observed a civilian begin to physically engage with two police officers. The civilian and the two officers were pushing at each other. PO Loor moved to assist the officers who were engaged with the civilian. PO Loor was not able to recall specifically what the civilian was doing to the officers. The officers were pushing at the civilian with their batons, making contact with the civilian's body. PO Loor did not recall where specifically the batons were coming into contact with the civilian's body. The civilian was in front of the two officers. The civilian was grabbing at the officers' baton, and at the officers' bodies. PO Loor used his baton in his right hand to strike using an x-pattern strike at this civilian. He was aiming to strike the left upper arm of the civilian. PO Loor's baton strike connected with the civilian's left upper arm. The civilian then grabbed the middle of PO Loor's baton. PO Loor placed his left hand on the baton and twisted the baton. The civilian's arms twisted, and the civilian let go. PO Loor then extended his baton using both hands to push the civilian back. At that point, PO Loor stopped moving forward with the officers (BR30).

Other officers did not testify to this interaction (BR28-32, BR64).

Video footage from civilians (BR07, BR34, summarized BR76, 77), the 88th Precinct stationhouse (BR69-72, summarized BR56-59); and BWC from numerous officers (BR07-BR27, summarized BR35-BR55) was received and reviewed by the investigation, this footage does not appear to capture this portion of the interaction.

The investigation concludes that PO Loor used his baton to strike an unidentified civilian on that civilian's arm. § 87(2)(g)

As stated above, Patrol Guide 221-01 governs police use of force (BR05).

§ 87(2)(g)

§ 87(2)(g)

Allegation (I) Discourtesy: Detective Gregory Garraputa spoke discourteously to individuals.

In civilian-provided video (BR34), at 00m32s, Det. Garraputa states, "Get off the block," at 00m34s, Det. Garraputa states, "Get off the fuckin' block," which appears to be directed at civilians. This occurs subsequent to allegations of physical force by § 87(2)(b) and § 87(2)(b)

§ 87(2)(b)

Civilians did not testify to this allegation (BR63,65, 66).

This video was received by the investigation subsequent to the interview of Det. Garraputa, who did not provide testimony regarding this allegation. Det. Garraputa provided context for the situation, however, stating in his interview that stated before he arrived that he had a sense of fear, due to the fear in the voices of the officers who made 10-85 and 10-13 calls, which are calls for officer assistance. The only time Det. Garraputa had heard that sense of fear before while employed as a police officers was during an incident in which an officer was shot. Det. Garraputa heard an officer state over the radio that they believed they could be making their last transmission, stated their location, then the radio cut out. Det. Garraputa's goal on the night of the incident was to return home to his family, alive and unhurt, and ensure the safety of his team members to the best of his ability (BR28).

NYPD Patrol Guide Procedure 200-02 states that NYPD officers must discharge their duties with courtesy and respect (BR67).

DCT Case No. 2013-10143 outlines contexts where the use of discourtesy by an NYPD officer may be permissible. These include situations of heightened danger and stress, as well as in the context of crowd control within an otherwise lawful order (BR68).

§ 87(2)(g)

Allegation (J) Force: Officers used physical force against individuals.

Allegation (K) Force: Officers used physical force against § 87(2)(b)

Allegation (L) Force: An officer struck § 87(2)(b) **with a nightstick.**

§ 87(2)(b) testified that she stood near the western edge of the intersection of Dekalb Avenue and Classon Avenue when people began to run west on Dekalb Avenue as a response to officers moving forward. § 87(2)(b) described the movement of the protesters west on Dekalb Avenue as highly chaotic, with pushing by officers, overlapping orders to move issued by officers, and rapid, sporadic movement by civilians. § 87(2)(b) observed numerous instances of officers pushing at civilians with both of their hands on their batons, with their arms fully extended. § 87(2)(b) was not able to provide specific descriptions of the officers who did this, where specifically these actions happened, or when during the movement west on Dekalb Avenue these actions happened. At some point during the movement west on Dekalb Avenue, an officer struck § 87(2)(b) on her right ankle with a baton. This occurred after the officer struck § 87(2)(b) with the tip of her baton. § 87(2)(b) did not see the physical motion an officer made to strike her ankle with and did not get a good look at the officer who struck her on the ankle. A line of police officers stood facing north on Dekalb Avenue at the intersection of Dekalb Avenue and Hall Street. After standing at the corner for an unspecified period of time, these officers moved towards the group on the corner. The officers instructed the civilians to move north on Hall Street. The civilians began to move north, with the officers closely following them. Moments after the officers' issued their instructions, an officer extended his baton, a long black stick, into § 87(2)(b)'s back. The tip of his baton pushed into § 87(2)(b)'s back. § 87(2)(b) fell to the ground as a result of the officer striking her with the tip of his baton. § 87(2)(b) described the officers who engaged in the alleged misconduct: One officer wore a blue uniform, was a female, black, 5'6" tall, with an average build, a ponytail through hat, and appeared to be in her mid-30s. The other officer who § 87(2)(b) alleged to have engaged in misconduct was a white male wearing a blue or black uniform in his 30s, 6 feet tall (BR63).

Video footage provided by civilians (BR01 and BR34) depict several officers pushing unidentified civilians and using batons to strike civilians. However, due to the quality of the footage and the video angle of the footage – which often contains other civilians or officers standing between the camera and subject officer or depicted force – the video was not always dispositive in identifying the subject officers who used this force.

BWC was received from numerous officers who responded to this incident. BWC from PO Arnaud Polynice depicts a portion of officer movement west of Classon Avenue on Dekalb Avenue, however, it depicts an apprehension, which removes PO Polynice from possibly being involved with these allegations, which occurred in the context of the movement west on Dekalb (BR11, summarized BR39).

The Tour 3 88 Precinct Roll Call – This is legible but does not state the locations of where officers were deployed with enough granular detail to be able to determine possible subject officers.

NYPD stationhouse video from the 88th Precinct stationhouse – this video captures portions of Dekalb Avenue to the west of Classon Avenue but did not depict the events with enough detail to usefully identify the officers who potentially engaged § 87(2)(b). The 88th Precinct detail roster did not list specific deployments of officers to Dekalb Avenue and Hall Street (BR86). Per review of other cases occurring in the vicinity of the incident location, PSA2 detail roster was not received by the CCRB.

Regarding the specific investigation for this incident, there are not known concurrent investigations from other agencies involving this specific incident location.

Captain Ryon Malcom was the highest-ranking officer identified by this investigation. Captain Malcolm was not interviewed for this case as he does not take action depicted on BWC concurrent with the times of allegations that was assessed at the time to be likely to be determinative of specific allegations. Sgt. Michael Santoro; PO Thomas Sweeney, PO Stanley Ng; PO Daniel Chin; PO Daniel Loor; Det. Gregory Garraputa. None of these officers recalled working the area west of Classon Avenue on the night of the incident at the time these allegations occurred.

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- PO Ng has been a member-of-service for 10 years and this is the first CCRB complaint to which he has been a subject.
- Det. Garraputa has been a member of service for 18 years and has been a subject in four CCRB complaints and seven allegations, none of which were substantiated.

§ 87(2)(g)

- PO Loor has been a member-of-service for five years and this is the first CCRB complaint to which he has been a subject.
- PO Sweeney has been a member-of-service for seven years and this is the first CCRB complaint to which he has been a subject.
- PO Chin has been a member of service for 10 years and has been a subject in six CCRB complaints and sixteen allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- Per the New York State Office of Court Administration (OCA), § 87(2)(b) has not been convicted of a crime in New York City (BR61).
- Per OCA, § 87(2)(b) has not been convicted of a crime in New York City (BR73).
- As of November 30, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (BR60).

Squad No.: 12

Investigator: <u>Zachary Herman</u>	Investigator <u>Zachary Herman</u>	<u>05/19/2021</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Carlmais Johnson</u>	IM <u>Carlmais Johnson</u>	<u>March 18, 2022</u>
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date